

United States of America

Criminal Case No.: 3:14-cr-91

v.

**Terry Michael Williams-Bey**

**CLERK'S MINUTES**

**Change of Plea Hearing**

Honorable Ralph R. Erickson

Date: Monday, 10/13/15

Shelley M. Giauque, Deputy Clerk

Time: 11:30 AM

Kelly Kroke, Court Reporter

Recess: 12:05 PM

Conor Kennelly, Law Clerk

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Appearances:

Attorney for plaintiff: Keith Reisenauer

Attorney for defendant: Somah Yarney (FPD)

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Court calls case and notes appearances.

Court advises of Information filed by USA.

Court advises of charge and maximum penalties (5 years). Defendant understands charges and maximum penalties.

Mr. Reisenauer comments and advises of joint recommendation of 3 years probation and will agree to dismiss the two civil law suits one in Burleigh County District Court and the second in Grand Forks District Court. The government moves to dismiss the Indictment. Court comments as to the recommendation, and may review and see if 2 years might be more appropriate rather than 3 years. The court will decide if anything is gained by imposing an additional year of probation..

Ms. Yarney notes that the defendant agrees with the general outline of the agreement as set forth.

Court advises of certain constitutional rights. Defendant understands.

Defendant sworn. Age 46, some college, read and write in English, Spanish and some Arabic, have adequately expressed communication with counsel, unfit to proceed in case 3:05-98, PTSD more than 10 years, no medications/no alcohol/no drugs in last 48 hours, employed at Simplot in Grand Forks since 3/12/15, mind clear, Court finds defendant competent to proceed.

Court reads Information. Defendant understands.

Defendant enters a plea of Nolo Contendere. Court advises of the rule. Mr. Reisenauer would need to obtain permission, and will not be asking for that permission. Defendant withdraws his Nolo Contendere plea.

Defendant enters a plea of GUILTY to the Information.

Court finds plea is freely and voluntarily given.

OPEN PLEA with joint recommendation of 3 years probation, withdraw civil cases in Buleigh County and Grand Forks County.

Mr. Reisenauer provides factual basis. Defendant agrees. Court finds factual basis adequate to sustain the plea.

Court sets sentencing for: Monday, January 25, 2016 at 2:30 PM.

Court directs that a PSIR be prepared.

Court comments. Defendant shall continue on pretrial release on same terms and conditions. No objections by Mr. Reisenauer.

Recess.